

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

703 KAR 5:180, Intervention system for persistently low-achieving schools (emergency and ordinary versions)

Applicable Statute or Regulation:

House Bill 176 amending KRS 160.346

Action Question:

Should the Kentucky Board of Education approve 703 KAR 5:180, Intervention system for persistently low-achieving schools (emergency and ordinary versions)?

History/Background:

Existing Policy. The General Assembly is currently holding its regular 60-day legislative session. The goal is to have House Bill 176 passed by the General Assembly and signed by the Governor in order that its provisions can be submitted as part of Kentucky's Race to the Top grant application that must be submitted to the United States Department of Education (USED) by January 19. House Bill 176 (attached) amends KRS 160.346, Identification of school council needing improvement – School district assistance plan – Scholastic audit team reviews – Scholastic audit team reviews – Transfer of council's authority – Restoration of council's authority. Basically, House Bill 176 adds new language to KRS 160.346 to define "persistently low-achieving school" and incorporates the four federal options for intervening in these schools as required to meet the Race to the Top grant provisions.

The proposed regulation, 703 KAR 5:180, Intervention system for persistently low-achieving schools (attached), must be approved by the Kentucky Board of Education, to provide the implementation details for the provisions of House Bill 176 that were added to KRS 160.346. As stated in the regulation, "KRS 160.346 as amended by HB 176 in the 2010 General Assembly requires the Kentucky Board of Education to adopt administrative regulations relating to the system of interventions and alternative governance options available to schools, districts, and the state for persistently low-achieving schools." Like the timeline for passage of the legislation, this regulation must be approved by the Kentucky Board of Education so that its provisions can be incorporated into Kentucky's Race to the Top grant that must be submitted to USDOE by January 19. The main components of the regulation include:

- Section 1, Definitions – Defines the terms assessment team, district leadership assessment, needs assessment and school leadership assessment.

- Section 2, School leadership assessment – Specifies when the school leadership assessment will occur, what elements of school leadership will be assessed, the methods/instruments to be used in the assessment and how often a school leadership assessment may be repeated.
- Section 3, District leadership assessment – Specifies when the district leadership assessment will occur, what areas of district leadership will be assessed, what instrument shall be incorporated into the assessment and how often it may be repeated.
- Section 4, Selection of an intervention option – Requires one of the four intervention options established by KRS 160.346 to be applied in each persistently low-achieving school and cites what the choice of option will be based upon.
- Section 5, Implementation of intervention options – Defines specific actions that a school or district shall do when engaging in the re-staffing option, external management option, transformation option or the closure option.
- Section 6, Establishment of qualifying External Management Organizations – Establishes a process and criteria for qualifying External Management Organizations for the external management option.

Staff Recommendation(s) and Rationale(s):

Staff recommends that the board give its approval to both the emergency and ordinary versions of 703 KAR 5:180. This regulation defines how the Kentucky Department of Education is to interact and deal with persistently low-achieving schools and fulfills an essential requirement of the Race to the Top grant, which could potentially mean an estimated \$200 million to assist the struggling schools of our state.

Impact on Getting to Proficiency:

Assisting low-achieving schools in getting their students to proficiency is a primary focus of the Kentucky Department of Education's work. This regulation guides that process and is critical to increasing the progress of these schools.

Groups Consulted and Brief Summary of Responses:

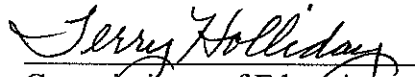
The draft regulation was distributed to the Kentucky Education Association, the Office of Education Accountability and the Local Superintendents Advisory Council. Available responses will be reported verbally at the January 15 meeting.

Approval of the emergency version of the regulation allows it to go into effect immediately and provide the needed support to our Race to the Top application. Approval of the ordinary version allows the regulation to proceed through the public hearing process and legislative committee review process where refinements can still be made. All constituency groups will have an opportunity to impact the regulation's content through this regulatory review process. The Local Superintendents Advisory Council will discuss the regulation at its February 3 meeting; however, the members received an advance copy with an explanation of why we must move so quickly on this matter.

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Commissioner of Education

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